IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.387 OF 2005

Smt. Gajala Ram Jadhav ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. A.P. Mundargi, for Rajeev Sawant & Associates, for the Applicant.

Mr. R.Y. Mirza, A.P.P., for the State.

Mr. Vinay A. Rathi, Advocate for the first informant.

...

CORAM : A.M.KHANWILKAR,J.

2nd February 2005

P.C.:

. Heard Counsel for the parties, including Mr. Rathi for the Complainant. Perused the record. On going through the various statements, it appears that the incident in question of firing took place on the spur of moment. It is possible to say that the accused must have

over-reacted to the situation, but nevertheless, the fact remains that the incident as taken place was not premeditated. Besides, investigation is complete and the Applicant being female, and has to take care of her child, who is stated to be hardly two years and presently suffering from the ailment of thyroid, the Applicant deserves to be enlarged on bail.

2. Mr. Rathi, for the complainant, states that there are antecedents against the Applicant for which reason no indulgence be shown. He also submits that there is material with him to show that the incident in question was premeditated. None of these submissions impress me for the reason that the documents which he intends to rely are not part of the charge sheet. Besides, the investigating officer, who is personally present in Court, on being inquired, positively states that no criminal cases are pending against the Applicant. Accordingly, the Applicant deserves to be enlarged on bail on the following terms.

(A) The Applicant is granted bail in

connection with CR.No. 387/2004 registered with Juhu Police Station on executing personal bond in the sum of Rs.25,000/- with one or two local sureties in the like amount.

(B) The Applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(C) The Applicant shall co-operate for early disposal of the trial. If the trial Court is of the opinion that the Applicant is responsible in any manner for delay in disposal of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

3. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)